

(2) "CRIMINAL OFFENSE" DOES NOT INCLUDE ANY VIOLATION OF THE MARYLAND VEHICLE LAW.

(3) "MOVING VIOLATION" MEANS A MOVING VIOLATION OF THE MARYLAND VEHICLE LAW OTHER THAN A VIOLATION OF ANY OF ITS SIZE, WEIGHT, LOAD, EQUIPMENT, OR INSPECTION PROVISIONS.

(B) WHEN ADMINISTRATION MAY EXPUNGE RECORDS.

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF A LICENSEE APPLIES FOR THE EXPUNGEMENT OF HIS PUBLIC DRIVING RECORD, THE ADMINISTRATION SHALL EXPUNGE THE RECORD IF, AT THE TIME OF APPLICATION:

(1) THE LICENSEE HAS NOT BEEN CONVICTED OF A MOVING VIOLATION OR A CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE PRECEDING 3 YEARS, AND HIS LICENSE NEVER HAS BEEN SUSPENDED OR REVOKED;

(2) THE LICENSEE HAS NOT BEEN CONVICTED OF A MOVING VIOLATION OR A CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE PRECEDING 5 YEARS, AND HIS RECORD SHOWS NOT MORE THAN ONE SUSPENSION AND NO REVOCATIONS; OR

(3) THE LICENSEE HAS NOT BEEN CONVICTED OF A MOVING VIOLATION OR A CRIMINAL OFFENSE INVOLVING A MOTOR VEHICLE FOR THE PRECEDING 10 YEARS, REGARDLESS OF THE NUMBER OF SUSPENSIONS OR REVOCATIONS.

(C) WHEN ADMINISTRATION MAY REFUSE TO EXPUNGE.

THE ADMINISTRATION MAY REFUSE TO EXPUNGE A DRIVING RECORD IF IT DETERMINES THAT THE INDIVIDUAL REQUESTING THE EXPUNGEMENT HAS NOT DRIVEN A MOTOR VEHICLE ON THE HIGHWAYS DURING THE PARTICULAR CONVICTION-FREE PERIOD ON WHICH HE BASES HIS REQUEST.

REVISOR'S NOTE: This section presently appears as Art. 66 1/2, §6-117(e).

Subsection (a) of this section is revised to clarify the intended distinction between the terms there defined.

Subsection (b) of this section is revised to avoid the present unintended - as seen from subsection (c) of this section - implication that the expungement is discretionary with the Administration.

The only other changes are in style.

16-118. MEDICAL ADVISORY BOARD.

(A) ADMINISTRATOR MAY APPOINT BOARD AND SECRETARY.